



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,519	10/31/2003	Robert A. Larson	LR-101US	4220
24314	7590	04/24/2006	EXAMINER	
JANSSON, SHUPE, MUNGER & ANTARAMIAN, LTD 245 MAIN STREET RACINE, WI 53403			PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,519	LARSON ET AL.	
	Examiner	Art Unit	
	David J. Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 2-27-06 and this action is final.

Claim Objections

2. Claim 62 is objected to because of the following informalities: to clear up the claim language the following amendment is proposed in line 4 replace "respecting its" with - -when it is- - and in line 5 replace "position in" with - -into- -. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 60, 63-68, 73 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,260,302 to Blaschke in view of U.S. Patent No. 6,921,181 to Yen and U.S. Patent No. 6,789,972 to Nadel.

Referring to claim 60, Blaschke discloses a fish landing apparatus comprising, a plurality of telescoping sections – at 18,20,12,12A, that include a handle section – at the end of 18, at one end of the telescoping sections – at 18, and a net attachment section – at 20-22, at an opposite end of the telescoping sections – see figure 1, a net – at 14, attached to the net attachment section – see figure 1, and a self contained light body – at 68-76, for illuminating the net, the light body adapted for being attached to one of the net and the net attachment section – see figures 1 and 8. Blaschke does not disclose the light body comprising, a LED, a rotary switch lens rotatably attached to the light body and having a light passage portion for passing light from the LED therethrough, the light passage portion being one of translucent and transparent, a disc type battery providing electric power, and a radially aligned contact pair opened or closed by rotation of the rotary switch lens for on/off switching of the electric power to the LED. Yen does disclose the light body – at 21-28, comprising, a LED – at 21, a rotary switch lens – at 22-24, rotatably attached to the light body – at 26,28, - see figure 3, and having a light passage portion – at 22,24,25, for passing light from the LED therethrough – see figure 3, the light passage portion being one of translucent and transparent – see at 25, a battery – at 261, providing electric power, and a radially aligned contact pair – at 211 and 212 and 231 and 2611, opened or closed by rotation of the rotary switch lens for on/off switching of the electric power to the LED – see figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Blaschke and add the Led light source of Yen, so as to provide proper illumination of the device in the dark while using minimal power. Blaschke as modified by Yen does not disclose the battery is a disc-type battery. Nadel does disclose the battery – at 30, is a disc type battery – see figure 1. Therefore it would have been obvious to one of ordinary skill in the art to

Art Unit: 3643

take the device of Blaschke as modified by Yen and add the battery being disc-shaped of Nadel, so as to allow for the device to be made more compact.

Referring to claim 63, Blaschke as modified by Yen and Nadel further discloses the light body – at 26,28, has a light emitting end having an interior surface with an annular groove – see the threaded portions of 26 of Blaschke, and wherein the rotary switch lens – at 21-25, has an annular ridge structured to fit within the annular groove – see the threaded portion at 24 in figure 3 of Blaschke.

Referring to claim 64, Blaschke as modified by Yen and Nadel further discloses a brightness of the light is set to a level of non-disturbance of a fish – see for example column 5 lines 17-30 of Blaschke.

Referring to claim 65, Blaschke as modified by Yen and Nadel further discloses a brightness adjuster structured for changing a light illumination level of the light by rotation of the rotary switch lens – see for example the threaded connections of items 24 and 26 in figure 3 of Yen.

Referring to claim 66, Blaschke as modified by Yen and Nadel further discloses the brightness adjuster comprises a plurality of rotary switch positions – along the threaded portions of items 24 and 26 as seen in figure 3 of Yen, accessed by rotation of the rotary switch lens – at 21-25 – see figure 3 of Yen, and an illumination level control member structure for adapting the LED to a plurality of brightness levels corresponding to the plurality of switch positions – see at 231 and 2611 in figure 3 of Yen.

Referring to claim 67, Blaschke as modified by Yen and Nadel further discloses at least one frame member – at 22, having a surface opposed to the LED – at 21 – see figure 3 of Yen,

Art Unit: 3643

and having disposed on the surface at least one of reflective tape and reflective coating – see for example column 4 lines 7-10 of Yen.

Referring to claim 68, Blaschke as modified by Yen and Nadel does not disclose the reflective tape or reflective coating contains fluorescent pigment. However, applicant's disclosure does not indicate that this limitation in the claimed invention is critical to the operation of the invention and therefore it would have been obvious to one of ordinary skill in the art to take the device of Blaschke as modified by Yen and Nadel and add the reflective tape or coating having fluorescent pigment, so as to allow for the device to be more visible to the user.

Referring to claim 73, Blaschke as modified by Yen and Nadel further discloses a light beam shaper – at 23,24, for focusing a light beam emitted from the illuminator – at 21, on the at least one of reflective tape and reflective coating – at 22 – see figure 3 of Yen.

Referring to claim 75, Blaschke as modified by Yen and Nadel further discloses the net has a collapsible frame – at 12,12A of Blaschke.

Claims 61-62 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaschke as modified by Yen and Nadel as applied to claim 60 above, and further in view of U.S. Patent No. 3,077,693 to Wallin.

Referring to claim 61, Blaschke as modified by Yen and Nadel does further discloses the net attachment section – at 20 of Blaschke, is a shaft having an open end facing the net– see figure 1 of Blaschke. Blaschke as modified by Yen and Nadel does not disclose the light body has a first lengthwise portion adapted for being inserted into the open end and has a second lengthwise portion with a peripheral edge part wider than the shaft, the second lengthwise

Art Unit: 3643

portion being adapted for abutting a periphery of the open end. Wallin does disclose the light body – at 14,15, has a first lengthwise portion – at 14, adapted for being inserted into the open end – at 10-12, and has a second lengthwise portion – at 15, with a peripheral edge part wider than the shaft – at 12, the second lengthwise portion being adapted for abutting a periphery of the open end – see figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Blaschke as modified by Yen and Nadel and add the light body of Wallin, so as to allow for the light to be placed near the net for allowing proper illumination of the net.

Referring to claim 62, Blaschke as modified by Yen, Nadel and Wallin further discloses the open end of the shaft – at 8-12 of Wallin, has a protruding portion – at 12, with a shape – see figure 3 of Wallin, and wherein the first lengthwise portion of the light body – at 14, has an outer surface that includes a shape essentially the same as the shape of the protruding portion of the shaft – see figure 3 of Wallin, thereby effecting a keyed radial orientation of the light body when it is inserted position in the shaft – see figure 3 of Wallin.

Referring to claim 74, Blaschke as modified by Yen and Nadel does not disclose a clamp structured for attaching the light body to the net. Wallin does disclose a clamp – at 10-12, for attaching the light body – at 14-15 to the net – at 39-40 – see figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Blaschke as modified by Yen and Nadel and add the clamp of Wallin, so as to allow for the light to be securely held to the net.

Art Unit: 3643

Claims 69-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaschke as modified by Yen and Nadel as applied to claim 68 above, and further in view of U.S. Patent No. 6,000,808 to Hansen.

Referring to claim 69, Blaschke as modified by Yen and Nadel does not disclose an optical filter for filtering light emitted by an excitation of the fluorescent pigment. Hansen does disclose an optical filter – at 107,126,127, for filtering light emitted by an excitation of the fluorescent pigment – see for example figures 1-4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Blaschke as modified by Yen and Nadel and add the optical filter of Hansen, so as to allow for the device to be made more attractive to fish.

Referring to claim 70, Blaschke as modified by Yen and Nadel does not disclose the at least one of reflective tape and reflective coating contains a pigment replicating a fish-friendly environment. Hansen does disclose the at least one of reflective tap and reflective coating contains pigment replicating a fish-friendly environment – see for example figures 1-4 and column 4 lines 15-31. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Blaschke as modified by Yen and Nadel and add the fish-friendly pigment of the reflective coating of Hansen, so as to allow for the device to be made more effective in catching fish.

Referring to claim 71, Blaschke as modified by Yen and Nadel does not disclose the at least one of reflective tape and reflective coating contains a pigment in a pattern that replicates a fish-friendly environment. Hansen does disclose the at least one reflective tape or reflective coating contains a pigment that replicates a fish-friendly environment – see for example figures 1-4 and column 4 lines 15-31. Therefore it would have been obvious to one of ordinary skill in

Art Unit: 3643

the art to take the device of Blaschke as modified by Yen and Nadel and add the fish-friendly pigment of the reflective coating of Hansen, so as to allow for the device to be made more effective in catching fish.

Referring to claim 72, Blaschke as modified by Yen, Nadel and Hansen further discloses the pattern has a spatial arrangement comprising one of two-dimensional and three-dimensional – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin in view of Yen. Wallin discloses a fish landing apparatus having a net – at 39-40, attached to a shaft – at 8-12, and having a light – at 23, for illuminating the net – see figure 4, the light having a rotary portion – at 14-15, with a module – at 13, insertable into a distal end of the shaft – at 10-12 – see figure 4. Wallin does not disclose the light having a rotary switch lens for on/off switching of an LED. Yen does disclose the light having a rotary switch lens – at 22-25, for on/off switching of an LED – at 21 – see figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Wallin and add the Led light source of Yen, so as to provide proper illumination of the device in the dark while using minimal power.

Response to Arguments

4. Applicant's arguments with respect to claims 60-76 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Parsley
Patent Examiner
Art Unit 3643



PETER M. POON
SUPERVISORY PATENT EXAMINER

4/20/06